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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,247

09/14/2006

Franklin Hubertus Truijens

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EXAMINER

CHANG, CHING

ART UNIT

PAPER NUMBER

3748

MAIL DATE

DELIVERY MODE

06/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,247	Applicant(s) TRUIJENS, FRANKLIN HUBERTUS	
	Examiner CHING CHANG	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 10-13 is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office acknowledges the Preliminary Amendment filed on 10/17/05. New claims 10-13 are added as requested.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. ***Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Richeson et al. (US Patent 4,942,852).***

Richeson discloses a method for opening and closing a passage, wherein a valve member (including 24) mounted within a housing (of 4, 26) is reciprocated between a first, closed position, in which the passage is closed, and a second, open position, by means of a piston (1) connected to the valve member, which piston oscillates within an at least substantially closed piston chamber (44, 45), wherein locking means (50, 9, 35) periodically hold the valve member in the closed position, and wherein the piston chamber is connected to gas pressure means (82), which set predetermined gas pressure levels on either side of the piston during the period that the valve member is held in the closed position, and wherein the gas is supplied to the piston chamber or discharged from the piston chamber during movement of the piston; wherein gas is discharged from the part of the piston chamber remote from the valve member during movement of the piston.

3. ***Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Richeson et al. (US Patent 4,942,852).***

Richeson discloses a valve gear comprising a housing (of 4, 26) provided with a passage, a valve member (including 24) mounted within said housing, which is movable between a first, closed position, in which the passage is closed, and a second, open position, a piston (1) connected to the valve member, which can oscillate in an at least substantially closed piston chamber (44, 45), wherein the piston chamber and the valve member are present in separate parts of the housing, which housing parts are resiliently connected.

4. ***Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Erickson et al. (US Patent 5,152,260).***

Erickson discloses a method for opening and closing a passage, wherein a valve member (through 23) mounted within a housing is reciprocated between a first, closed position, in which the passage is closed, and a second, open position, by means of a piston (1) connected to the valve member, which piston oscillates within an at least substantially closed piston chamber (17), wherein locking means (10) periodically hold the valve member in the closed position, and wherein the piston chamber is connected to gas pressure means (26), which set predetermined gas pressure levels on either side of the piston during the period that the valve member is held in the closed position, and wherein the gas is supplied to the piston chamber or discharged from the piston chamber during movement of the piston; wherein gas is discharged from the part of the piston chamber remote from the valve member during movement of the piston.

5. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Erickson et al. (US Patent 4,942,852).

Erickson discloses a valve gear comprising a housing (of 1, 23) provided with a passage, a valve member (through 23) mounted within said housing, which is movable between a first, closed position, in which the passage is closed, and a second, open position, a piston (1) connected to the valve member, which can oscillate in an at least substantially closed piston chamber (17), wherein the piston chamber and the valve member are present in separate parts of the housing, which housing parts are resiliently connected.

6. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Schechter et al. (US Patent 5,572,961).

Schechter discloses a valve gear comprising a housing (28, of 30) provided with a passage, a valve member (including 18) mounted within said housing, which is movable between a first, closed position, in which the passage is closed, and a second, open position, a piston (of 26) connected to the valve member, which can oscillate in an at least substantially closed piston chamber (30), wherein the piston chamber and the valve member are present in separate parts of the housing, which housing parts are resiliently connected.

7. Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Richeson (US Patent 5,259,345).

Richeson discloses a method for opening and closing a passage, wherein a valve member (of 80) mounted within a housing is reciprocated between a first, closed

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position, in which the passage is closed, and a second, open position, by means of a piston (40) connected to the valve member, which piston oscillates within an at least substantially closed piston chamber (14, 15), wherein locking means (through 32, 33, 27) periodically hold the valve member in the closed position, and wherein the piston chamber is connected to gas pressure means (through 12, 20), which set predetermined gas pressure levels on either side of the piston during the period that the valve member is held in the closed position, and wherein the gas is supplied to the piston chamber or discharged from the piston chamber during movement of the piston; wherein gas is discharged from the part of the piston chamber remote from the valve member during movement of the piston.

8. ***Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Richeson (US Patent 5,259,345).***

Richeson discloses a valve gear comprising a housing (10) provided with a passage, a valve member (80) mounted within said housing, which is movable between a first, closed position, in which the passage is closed, and a second, open position, a piston (40) connected to the valve member, which can oscillate in an at least substantially closed piston chamber (14, 15), wherein the piston chamber and the valve member are present in separate parts of the housing, which housing parts are resiliently connected.

Allowable Subject Matter

9. Claims 1-6, and 10-13 are allowed.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHING CHANG whose telephone number is (571)272-4857. The examiner can normally be reached on M-Th, 7:00 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571)272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ching Chang/
Primary Examiner, Art Unit 3748